

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

ANTHONY SCOTT JOHNSON, #1024898 §

VS. § CIVIL ACTION NO. 5:11cv9

RICK THALER, ET AL. §

ORDER

Plaintiff Anthony Scott Johnson, a Texas prison inmate, proceeding *pro se*, filed the above-styled and numbered civil rights lawsuit. The complaint was referred to United States Magistrate Judge Caroline M. Craven, who issued a Second Report and Recommendation concluding that Defendant Thaler's motion to dismiss should be denied. The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts same as the findings and conclusions of the Court. It is accordingly

ORDERED that Defendant Thaler's 12(b) motion to dismiss (docket entry #20) is **DENIED**.

SIGNED this 13th day of June, 2011.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE